

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,
Plaintiff

v.

SILVESTRE RICO BELTRAN,
Defendant

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1:07-cr-00804-SWK

**DEFENDANT SILVESTRE RICO BELTRAN'S
MOTION FOR A WITNESS LIST**

TO THE HONORABLE JUDGE, UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK:

The Defendant in the above styled and numbered cause, SILVESTRE RICO BELTRAN, under the Fifth and Sixth Amendments to the United States Constitution, respectfully moves the Court for an order directing the government to provide the Defendant a witness list. In support of this motion, SILVESTRE RICO BELTRAN would show the Court as follows:

I.

Courts have long recognized that they have inherent power not limited by statute or rule to ensure that criminal trials are fair and efficient. Providing the requested information in advance of the witnesses' testimony will enable counsel for the Defendant to adequately prepare for trial and avoid requests for delay to examine statements of government witnesses prior to exercising the right to cross-examine government witnesses.

The Defendant respectfully requests:

- a. A list of the names and addresses of all witnesses the government intends to

call at any stage of the proceedings in this cause.

b. A list of the names, addresses and professions of all expert witnesses the government intends to call at any stage of the proceedings in this cause, along with each expert's qualifications, the subject and a description of his or her contemplated testimony, and his or her report.

The information requested is in the exclusive possession, custody and control of the government and the Defendant has no other means of ascertaining the disclosure requested. The information requested is not privileged. The information requested is material to this cause and the issues of guilt or innocence and punishment to be determined in this cause. The Defendant cannot safely go to trial without such information, nor can the Defendant adequately prepare a defense. The Defendant's rights under the Fifth and Sixth Amendments to the Constitution of the United States will be violated absent such discovery.

II.

A hearing on this motion is respectfully requested.

III.

SILVESTRE RICO BELTRAN prays that the Court enter an order directing the government to provide the Defendant a list of government witnesses.

Respectfully Submitted,

By: /s/ Carlos A. García
Carlos A. García
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Southern District of Texas Bar No.: 589236
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CERTIFICATE OF SERVICE

I, Carlos A. García, hereby certify that on Monday, July 7, 2008 a true and correct copy of the above and foregoing Motion for a Witness List was forwarded to Brendan R. McGuire, Attorney in charge of this case, at the United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York, 10007.

/s/ Carlos A. García
Carlos A. García

CERTIFICATE OF CONFERENCE

I, Carlos A. Garcia, hereby certify that on July 1, 2008, the undersigned counsel conferred with Brendan R. McGuire, the Assistant United States Attorney in charge of this case and he was unopposed.

/s/ Carlos A. Garcia
Carlos A. Garcia